Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

APRIL 2012

Overview of the Annual Performance Report Development:

Background

In December 2005, the Nevada Department of Education (NDE) submitted a State Performance Plan (SPP) to the U.S. Office of Special Education Programs (OSEP) describing baseline data, six-year targets, and improvement activities for making improvements in 20 key areas over the next six years. The following 20 Performance Indicators were established by OSEP to ensure compliance with state and federal special education laws and to improve results for students with disabilities. The 20 Performance Indicators are designed to:

- (1) increase high-school graduation rates for students with disabilities earning regular diplomas;
- (2) decrease the dropout rate for students with disabilities;
- (3) ensure that all students participate in statewide assessments and improve the performance of students with disabilities in those assessments;
- (4) reduce suspension and expulsion rates when those rates significantly exceed statewide averages;
- (5) provide school-age students with disabilities ages 6-21 with services in the least restrictive environment;
- (6) provide preschool children with disabilities ages 3-5 with services in the least restrictive environment:
- (7) improve knowledge, skills, behavioral, and social-emotional outcomes for preschool children with disabilities:
- (8) improve parents' involvement in their children's special education programs;
- (9) eliminate disproportionate identification of students in race/ethnic groups as having a disability when it is the result of inappropriate identification;
- (10) eliminate disproportionate identification of students in race/ethnic groups as having a particular disability when it is the result of inappropriate identification;
- (11) improve efforts to evaluate students with disabilities in a timely manner;
- (12) ensure a smooth transition from infant/toddler programs to school-based programs for preschool children with disabilities at age three;
- (13) improve transition planning for students with disabilities at the secondary school level;
- (14) improve post-school outcomes for students with disabilities in the areas of post-secondary education/training and employment;
- (15) ensure that noncompliance with special education statutes and regulations is corrected within one year of identification;
- (16) ensure that complaint investigations are conducted by the NDE within required timelines;
- (17) ensure that due process hearings are conducted within required timelines;
- (18) promote resolution sessions as a mechanism for resolving disputes;
- (19) promote mediations as a mechanism for resolving disputes; and
- (20) ensure that timely and accurate data are reported from the NDE to OSEP.

Progress for Indicators 1, 2, 3, 4A, 4B, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 is reported in this February 2012 Annual Performance Report (APR) for the 2010-2011 school year. The state's SPP has been revised as of February 2012 to describe the state's revised approach for calculating significant discrepancy for Indicators 4A and 4B, and to update references to revised Improvement Indicators. The February 2012 APR and the February 2012 SPP should be read as companion documents. The SPP contains more complete descriptions of Nevada's systems for ensuring compliance with the Individuals with Disabilities Education Act (IDEA) and for improving results for Nevada's students with disabilities. These more complete descriptions of Nevada's special education systems provide the context for understanding the progress that is being made toward Nevada's goals.

Issues Identified in Nevada's June 2011 SPP/APR Response Table

In June 2011, OSEP sent correspondence to the NDE acknowledging the state's submission of its February 2011 SPP/APR for FFY 2009 (2009-2010). Attached to the correspondence was the "Nevada Part B FFY 2009 SPP/APR Response Table" addressing issues identified by OSEP that required additional information to be submitted in Nevada's February 2012 SPP/APR submission. The NDE has taken necessary steps to address the issues identified, and those steps are summarized below and within the section for each indicator, as applicable.

Indicator 1 (Graduation Rates): No specific action needed.

Indicator 2 (Dropout Rates): No specific action needed.

Indicator 3 (Participation and Performance on Statewide Assessments): No specific action needed.

Indicator 4a (Suspension and Expulsion Rates): No specific action needed.

Indicator 4b (Suspension and Expulsion Rates by Race or Ethnicity): Subsequent to the development of OSEP's Response Table, the NDE was directed to revise its methodology for identifying "significant discrepancy," and the February 2012 SPP and APR have been revised accordingly.

Indicator 5 (LRE for Students Aged 6-21): No specific action needed.

Indicator 6 (LRE for Students Aged 3-5): No specific action needed.

<u>Indicator 7 (Early Childhood Outcomes):</u> As directed, the February 2012 APR includes progress data and actual target data for FFY 2010.

<u>Indicator 8 (Parent Involvement):</u> As directed, the February 2012 APR includes analysis of whether its FFY 2010 data are from a group representative of the population, and if not, the actions the NDE is taking to address this issue.

Indicator 9 (Disproportionate Representation in Special Education that is the Result of Inappropriate Identification): No specific action needed.

Indicator 10 (Disproportionate Representation in Specific Disability Categories that is the Result of Inappropriate Identification): As directed, the February 2012 reports the total unduplicated number of districts that did not meet the State-established minimum "n" size requirement and were excluded from the calculation in FFY 2009 and FFY 2010.

<u>Indicator 11 (Initial Evaluation Timeline):</u> No specific action needed.

Indicator 12 (Part C to Part B Transition—IEPs by Third Birthday): As directed, the February 2012 APR includes FFY 2010 data demonstrating its compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance reported under this indicator in the FFY 2009 APR. As directed, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2009 APR: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the February 2012 APR for FFY 2010, the NDE has described the specific actions that were taken to verify the correction.

The state was also directed to review its improvement activities and revise them, if necessary, if the state did not report 100% compliance in the FFY 2010 APR. Because the noncompliance finding in FFY 2010 was based on one student whose IEP was not developed/implemented by the child's third birthday, no systemic issues appeared to require revision of the state's improvement activities.

Indicator 13 (Annual Goals and Transition Services): As directed, the February 2012 APR includes FFY 2010 data demonstrating its compliance with the requirements in 34 CFR §300.320(b) and 300.321(b), including correction of the noncompliance reported under this indicator in the FFY 2009 APR. As directed, the NDE has reported that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2009 APR: (1) is correctly implementing 34 CFR §300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the February 2012 APR for FFY 2010, the NDE has described the specific actions that were taken to verify the correction.

The state was also directed to review its improvement activities and revise them, if necessary, if the state did not report 100% compliance in the FFY 2010 APR. Because Nevada reported 100% compliance for this indicator in the FFY 2010 APR, the State was not required to review its improvement activities and revise them, if necessary.

Indicator 14 (Post-School Outcomes): As directed, the February 2012 APR includes actual target data for FFY 2010.

Indicator 15 (Correction of Noncompliance in One Year): As directed, in its February 2012 APR the NDE has reported that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through onsite monitoring or a state data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the February 2012 APR for FFY 2010, the NDE has described the specific actions that were taken to verify the correction.

The text of the Indicator 15 Worksheet is incorporated into the FFY 2010 APR, and it is attached as a separate excel spreadsheet (Attachment 1).

Correction of noncompliance reported in FFY 2009 for Indicators 12 and 13 is described in Indicator 15 and in Indicators 12 and 13.

<u>Indicator 16 (Complaint Timelines):</u> No specific action needed.

Indicator 17 (Due Process Hearing Timelines): No specific action needed.

Indicator 18 (Resolution Session Agreements): No specific action needed.

Indicator 19 (Mediation Session Agreements): No specific action needed.

<u>Indicator 20 (Timely and Accurate Data):</u> As directed, the February 2012 APR includes the Indicator 20 Data Rubric (Attachment 2).

Because Nevada did not report 100% compliance in the FFY 2010 APR, the state reviewed its improvement activities and revised them as necessary.

Justification for Revisions to Improvement Activities/Timelines/Resources

As a result of leadership conversations at the Nevada Department of Education (NDE) and as codified through passage of legislation during the 2011 Nevada Session, the NDE developed a five-year strategic plan. Adopted in January 2012 by the State Board of Education, the Strategic Plan is designed to support the achievement of five goals:

- 1. Improve student proficiency results in core academic subjects.
- 2. Improve the graduation rate including expanding the advanced diploma rate.
- 3. Ensure College and career readiness when students graduate from high school.
- 4. Ensure effective teachers and administrators educate Nevada's students.
- 5. Support and expand innovative instructional programs.

The framework for attainment of these goals is centered on four Strategic Priorities. These priorities are aligned to the US Department of Education's *A Blueprint for Reform, The Reauthorization of the Elementary and Secondary Education Act (ESEA),* supported through the state's ESEA Waiver Application, and are in line with the 2010 recommendations of the Nevada Governor's Blue Ribbon Task Force for education reform that drove several pieces of state legislation in 2011.

The State's special education system exists within a broader context of education for all students. As such, it makes sense at this time to ensure that Nevada's Improvement Activities are aligned to the Strategic Plan, and subsequently to the four strategic priorities towards which the NDE as a whole is focused. Accordingly, existing improvement activities as well as new activities, when developed, have been reorganized into the following four categories, which represent Nevada's Strategic Priorities to increase outcomes for all Nevada students, including those who have disabilities:

- 1. Implement standards and assessments that prepare students for success in postsecondary education and careers.
- 2. Provide valid and reliable data to support decision-making for student achievement.
- 3. Create and implement a comprehensive Educator Effectiveness system.
- 4. Implement innovative programs and scale up evidence-based practices for school and district improvement.

This discussion is intended to present the "justification" for the reorganization and reframing of Nevada's improvement activities, and it will not be repeated throughout the APR. Although most of the improvement activities remain the same as in previous presentations, a particular activity might now be reworded slightly or included in a different set of improvement activities. These minor adjustments are not described in Attachment 3, the APR Improvement Activities. However, substantive changes involving additions, deletions, timeline extensions through 2013 or major modifications to Nevada's improvement activities are listed and justified.

February 2011 APR Development

The NDE began data collection for the FFY 2010 APR with the collection of the special education child count data on October 1, 2010, including the disability category, age, grade, race/ethnic category, and placement category for each student with a disability ages 3 through 21. Data collection continued through the summer of 2011, with the annual collection of §618 IDEA program data for 2010-2011 from local school districts, including suspension/expulsion data. During the fall of 2011, the NDE analyzed assessment data, including participation and performance data, and determined whether districts made adequate yearly progress in accordance with the Elementary and Secondary Education Act (ESEA) requirements. Also in the fall of 2011, the NDE analyzed the survey data on parent involvement obtained from an outside vendor. In July 2011 the NDE generated graduation and dropout data for FFY 2009 (2009-2010) according to the calculation established under the ESEA, disaggregated by IEP population.

In July 2011, the NDE conducted a preliminary analysis of Nevada's data for Indicators 1, 2, 3-C, 4a, 5, 9, 10, 11, 12, 13 and 15. Preliminary statewide and district-level data were presented for these indicators to an August 2011 meeting of Nevada's Special Education District Administrators (SEDA) group for review and discussion of the implementation of improvement strategies.

The NDE participated in the data meetings held in conjunction with the OSEP Leadership Conference in August 2011. The SPP and APR requirements were a central focus in these meetings. Throughout the late summer, fall and early winter, staff members from the NDE participated in technical assistance conference calls offered by OSEP, the Western Regional Resource Center (WRRC), and other OSEP-supported technical assistance centers in order to clarify our understanding of the requirements and strengthen the presentation of our data.

February 2012 APR Dissemination

Final data analysis for each indicator to be reported in the FFY 2010 APR was completed in January 2012, and reported to OSEP on February 1, 2012. The APR and SPP will be made available to the public by on the NDE website at http://www.doe.nv.gov/SpecialEducation_Reports.htm following the submission to OSEP and an opportunity for clarification, if necessary. The final documents will be distributed to the media via press release and disseminated directly to an extensive list of interested parties, including a variety of agencies and organizations. Progress will also be reported whenever the NDE has an opportunity to meet with and address local and statewide organizations such as parent and professional organizations, other state and local agencies, university and community college groups, and other community groups.

May 2012 Reporting of District-Level Performance Indicator Data

The progress of school districts toward the state targets will be reported to the public by May 2012 on the NDE website listed above and will be disseminated directly to SEDA and Nevada's Special Education Advisory Committee (SEAC).

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 1

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target					
2010	50% of Nevada's youth with IEPs will graduate from high school with a regular diploma.					
(using 2009- 2010 data)						

Actual Target Data for FFY 2010 (data from 2009-2010):

OSEP has directed the NDE to describe the results of the NDE's examination of graduation data for the year before the reporting year to report progress in the FFY 2010 report (i.e., for the FFY 2010 APR reporting year, use data from FFY 2009-2010). Consequently, 2009-2010 data are presented below for this FFY 2010 report. During 2009-2010, 27.2% of Nevada's youth with IEPs graduated from high school with a regular diploma ([$(649 + 86 + 14) \div (1,985 + 247 + 105 + 183 + 234)$] x (1,985 + 247 + 105 + 183 + 234)

As of the FFY 2009 reporting year, the NDE was required to report using the graduation rate calculation and timeline established by the Department under the ESEA. In addition, the NDE must use the same graduation target as the annual graduation rate target established under Title I of the ESEA for all students.

Graduation Rate Calculation under the ESEA:

No difference exists between the conditions required of a youth with an IEP and a youth without to earn a regular diploma in Nevada. Nevada uses the NCES "leaver rate" to calculate high school graduation rates for the total student population. In the formula, all graduates with standard, advanced, and adult diplomas (the "regular diplomas") are divided by the total number of completers, plus the number of 12th grade dropouts in the previous year (DO 12Y), 11th grade dropouts from two years ago (DO 11Y-1), 10th grade dropouts from three years ago (DO 10Y-2), and 9th grade dropouts from four years ago (DO 9Y-3). This formula is expressed as:

For a given year Y:

Standard, Advanced, Adult Diploma Recipients ("Regular Diplomas")
Completers (Regular Diplomas, Adjusted Diplomas, Certificates of Attendance) +
DO 12Y + DO 11Y-1 + DO 10Y-2 + DO 9Y-3

Completers = Standard + Advanced + Adult + Adjusted + Certificates of Attendance

DO 12Y = Number of 12th grade dropouts from current year

DO 11Y-1 = Number of 11th grade dropouts from year previous

DO 10Y-2 = Number of 10th grade dropouts from two years previous

DO 9Y-3 = Number of 9th grade dropouts from three years previous

Graduation data for 2009-2010 IEP students:

IEP students earning standard diplomas = 649

IEP students earning advanced diplomas = 86

IEP students earning adult diplomas = 14

IEP students earning adjusted diplomas = 1,206

IEP students earning certificates of attendance = 31

Completer Total = 1,985

DO 12Y (Number of 12th grade dropouts from current year) = 247

DO 11Y-1 (Number of 11th grade dropouts from year previous) = 105

DO 10Y-2 (Number of 10th grade dropouts from two years previous) = 183

DO 9Y-3 (Number of 9th grade dropouts from three years previous) = 234

The calculation of the state's IEP graduation rate for the 2009-2010 school year is:

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010 (data from 2009-2010):

The target established for FFY 2010 was 50%, and Nevada's graduation rate with a regular diploma was 27.2%. Because the actual graduation rate was lower than the target, Nevada did not reach its target.

The graduation rate for FFY 2010 (based on 2008-2009 data) was 23.4%, so there is progress to explain. The progress may be related to an increased number of students in 2009-2010 who scored in the proficient range on the High School Proficiency Examination (a requirement for earning a regular high school diploma), when compared to the 2008-2009 proficiency results. Nevada remains committed to improving instruction and student performance at the secondary level so that more students with disabilities earn regular diplomas.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 2

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
2010 (using 2009- 2010 data)	6.2% of Nevada's youth with IEPs will drop out of high school.

Actual Target Data for FFY 2010 (data from 2009-2010):

OSEP has directed the NDE to describe the results of the NDE's examination of dropout data for the year before the reporting year to report progress in the FFY 2010 report (i.e., for the FFY 2010 APR reporting year, use data from 2009-2010). Consequently, 2009-2010 data are presented below for this FFY 2010 report. During 2009-2010, 5.0 % of Nevada's youth with IEPs dropped out of high school ([666 \pm (13,173 \pm 242)] x 100 = 5.0%).

As of the FFY 2009 reporting year, the NDE was required to report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

Dropout Rate Calculation:

No difference exists between youth with and without an IEP in their treatment as a dropout. There is no difference between what counts as dropping out for all youth and what counts as dropping out for youth with IEPs. Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of calculating a cohort graduation rate in future years. See the following page for a list of the withdrawal codes that qualify as a "dropout" withdrawal.

The following formula defines how Nevada calculates a high school dropout rate. Total IEP Dropouts are determined through the student's withdrawal code and their program participation status. Total IEP Enrollment is the sum of students eligible for and receiving services under an IEP. Total IEP NonReturns are included in the Total IEP Dropouts and also added to the enrollment in the denominator as they are students expected to be in membership at the beginning of school (also known as summer dropouts).

In a given year, the formula is expressed as:

Total IEP Dropouts	
	x 100
Total IEP Enrollment + Total IEP NonReturn	ns

Withdrawal Codes that Qualify as a "Dropout" Withdrawal:

Dropouts are determined by the student's withdrawal code. Nevada has revised the state's withdrawal codes in anticipation of the cohort graduation rate, and the following reasons for withdrawal qualify as a dropout.

W3(a)i	Credit deficiency;
W3(a)ii	Pregnancy;
W3(a)iii	Marriage;
W3(a)iv	Employment;
W3(a)v	Student has long term medical condition, or in drug treatment or a rehabilitative setting that prevents them from receiving services (NRS 392.050);
W3(a)vi	Authorization by juvenile division for the district court pursuant to NRS 392.090;
W3(a)vii	Self-supported or parental support in accordance with NRS 392.100;
W3(a)viii	Apprenticeship in accordance with NRS 392.110;
W3(a)ix	Any other reason not specified in paragraphs 3(a)i through 3(a)viii, inclusive.
W3(b)	Student withdrawn because age exceeds age restrictions.
W3(c)i	Permanent expulsion;
W3(c)ii	Disciplinary or other eligibility reasons; or
W3(c)iii	Incarceration.
W3(d)i	Student withdrawn to GED program; or
W3(d)ii	Student withdrawn to adult vocational/technical program.
W3(e)i	Absence of the student for 10 consecutive days and whose whereabouts are unknown;
W3(e)ii	Absence of the student for the entire month with no expected date of return; or
W3(e)iii	Unexplained absence as set forth in NAC 387.220.
W3(g)	Attendance excused for distance residence from nearest school (NRS 392.080).

Dropout Data for 2009-2010 IEP students:

Total IEP Dropouts = 666 Total IEP Enrollment = 13,173 Total IEP NonReturns = 242

The calculation of the state's IEP dropout rate for the 2009-2010 school year is:						
	666	x 100 = 5.0 %				
	(13,173 + 242)					

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010 (data from 2009-2010):

The target established for FFY 2010 was 6.2%, and Nevada's dropout rate was 5.0%. Because the actual dropout rate was lower than the target, Nevada reached its target. Because the dropout rate for FFY 2010 (based on 2009-2010 data) was 5.7%, there is progress to explain. Increases in graduation rates and decreases in dropout rates often go hand-in-hand. Thus, the progress may be related to an increased number of students in 2009-2010 who scored in the proficient range on the High School Proficiency Examination (a requirement for earning a regular high school diploma), when compared to the 2008-2009 proficiency results.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 3

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. AYP percent = [(# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State's minimum "n" size)] times 100.
- B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = ([(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

INDICATOR 3A

FFY	Measurable and Rigorous Target					
2010 (2010-2011)	87.5% of districts that have a disability subgroup that meets Nevada's minimum "n" size will meet Nevada's AYP targets for the disability subgroup.					

INDICATOR 3B

FFY	Measurable and Rigorous Target
2010 (2010-2011)	95% of students with disabilities will participate in statewide assessments.

INDICATOR 3C

FFY		Measurable and Rigorous Target												
2010 Mathematics					Reading									
(2010-2011)	3rd	4th	5th	6th	7th	8th	11th	3rd	4th	5th	6th	7th	8th	11th
	42%	36%	34%	29%	22%	24.5%	21.5%	32.5%	31%	27.5%	25%	22%	23.5%	31%

Actual Target Data for FFY 2010:

A. 2010-2011 Data for Percent of Districts Meeting Nevada's AYP Targets for Disability Subgroup

During 2010-2011, 37.5% of Nevada's districts with the minimum "n" size for English Language Arts (ELA) and Math met Nevada's AYP targets for the disability subgroup ([$(3 \div 8) \times 100] = 37.5\%$). See Table 3-A-1 below.

Table 3-A-1 Percent of Districts That Have a Disability Subgroup that Meets the State's Minimum "n" Size Meeting Nevada's AYP Targets For Disability Subgroup 2010-2011 School Year					
Total # Districts With Minimum "n" Size for ELA and Math	Total # Districts With # Districts With Minimum Minimum "n" Size for ELA "n" Size for ELA and Math				
8	3	37.5%			

The following Table 3-A-2 shows the specific analysis of whether each of Nevada's 17 school districts had the minimum "n" size for ELA and Math assessments and, if so, whether the district made AYP targets for IEP students for both ELA and Math.

	In Nevad	Table 3-A-2 ts for Disability Subgro la's 17 School Districts 3-2011 School Year	•	
DISTRICT	AYP AREAS	Does District Have Disability Subgroup that meets the State's Minimum "n" Size at Elementary, Middle, and High School Levels?	Did District Meet AYP Targets? *	Did District Meet AYP Targets in <u>Both</u> ELA and Math? **
Carson City	ELA	Υ	Y	Υ
·	Math	Y	Υ	1
Churchill	ELA	Y	N	N
	Math	Y	N	1
Clark	ELA	Y	N	N
	Math	Υ	N] "
Douglas	ELA	Y	N	N
-	Math	Y	N]
Elko	ELA	Y	N	N
	Math	Y	N	1 "
Esmeralda	ELA	No	NA	NA
	Math	No	NA	
Eureka	ELA	No	NA	NA
	Math	No	NA	
Humboldt	ELA	No	NA	NA
	Math	No	NA] ""
Lander	ELA	No	NA	NA
	Math	No	NA	
Lincoln	ELA	No	NA	NA
	Math	No	NA	
Lyon	ELA	Y	Υ	Υ
•	Math	Y	Υ	1
Mineral	ELA	No	NA	NA
	Math	No	NA	
Nye	ELA	Y	N	N
	Math	Y	Υ	Ī "
Pershing	ELA	No	NA	NA
-	Math	No	NA	
Storey	ELA	No	NA	NA
•	Math	No	NA	117
Washoe	ELA	Y	Υ	Υ
	Math	Y	Υ	'
White Pine	ELA	No	NA	NA

^{*} Y = means district met targets in participation + $\underline{\text{either}}$ achievement or safe harbor at any level (elementary, middle, $\underline{\text{or}}$ high).

No

Math

^{**} NA = means district did not have the minimum "n" size for IEP students in both content areas (ELA and Math) in all three grade levels (elementary, middle, <u>and</u> high), so the district is not counted in the indicator calculation.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During FFY 2010 (2010-2011), there were 8 districts that met the state's minimum "n" size for calculation of AYP, and 3 of those districts met the established AYP targets for the IEP subgroup (37.5%). The target established for FFY 2010 was 87.5%, so Nevada did not reach its target for districts meeting Nevada's AYP targets for the disability subgroup. Because the FFY 2009 performance was 87.5%, there is slippage to report.

The slippage is partly the result of a re-norming of Nevada's English Language Arts/Reading assessment, which resulted in a significant decline in reading scores in grades 6, 7, and 8. These substantial changes to the content and rigor of the 2010-2011 reading assessments created a situation where the NDE has advised on the Nevada Report Card wepage that direct comparisons should not be made between 2011 performance and performance in previous years. Obviously, any calculation of adequate yearly progress (AYP) must taken into account the proficiency levels reached by various populations during the previous year, and as a result district-level AYP designations were negatively affected.

The slippage is also related to the steep increases in the Annual Measurable Objectives (AMOs). For example, at the elementary level in the four years from FFY 2002 to FFY 2006, the AMO in English Language Arts/Reading (ELA/Reading) only increased 9.6 points. In the next four years, the AMO in ELA/Reading increased 24.2 points, followed by 12.1 point increase in FFY 2011, and followed by a 14.1 point increase in FFY 2012. During FFY 2012, the AMO in ELA/Reading will increase by 12 points to 100%. There are similarly dramatic increases in ELA/Reading at the middle and high school levels, and similar increases for Math at all levels. So even though achievement levels were improving for the IEP subpopulation (except for middle school ELA/Reading) performance did not improve at rate sufficient to meet the sharply increasing AMO requirements.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

B. 2010-2011 Data for Participation Rates

During FFY 2010, 98.9% of IEP students participated in the statewide ESEA $\underline{\text{Math}}$ assessment ([(23,942 \div 24,198)] x 100 = 98.9%). During FFY 2010, 99.0% of IEP students participated in the statewide ESEA $\underline{\text{ELA/Reading}}$ assessment ([(23,949 \div 24,198)] x 100 = 99.0%). These students participated in the statewide assessments by participating in a regular assessment with no accommodations, a regular assessment with accommodations, or an alternate assessment against alternate academic achievement standards. During 2010-2011, Nevada did not administer alternate assessments against grade level academic achievement standards or modified academic achievement standards.

Participation rates for 2010-2011 were calculated by dividing the number of students with IEPs participating in the assessment (column "b" below) by the total number of students with IEPs enrolled during the testing window (column "a" below), calculated separately for reading and math. Students with IEPs included both students with IEPs enrolled for a full academic year and those not enrolled for a full academic year. See below for Table 3-B-1—Math Participants and Table 3-B-2—ELA/Reading Participants for specific calculations.

Table 3-B-1—Math Participants Participation Rates for Students with Disabilities in Statewide ESEA Assessments 2010-2011 School Year						
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]			
3rd Grade	3,532	3,503	99.2%			
4th Grade	3,579	3,551	99.2%			
5th Grade	3,720	3,700	99.5%			
6th Grade	3,551	3,534	99.5%			
7th Grade	3,420	3,390	99.1%			
8th Grade	3,368	3,338	99.1%			
11th Grade	3,028	2,926	96.6%			
Overall Total	24,198	23,942	98.9%			

Table 3-B-2—ELA/Reading Participants Participation Rates for Students with Disabilities in Statewide ESEA Assessments 2010-2011 School Year						
Grades Assessed	Total # of Students with IEPs Enrolled during the Testing Window (a)	# of Students with IEPs Participating in the Assessments (b)	Overall Percent [(b ÷ a) x 100]			
3rd Grade	3,532	3,507	99.3%			
4th Grade	3,579	3,556	99.4%			
5th Grade	3,720	3,699	99.4%			
6th Grade	3,551	3,535	99.5%			
7th Grade	3,420	3,390	99.1%			
8th Grade	3,368	3,342	99.2%			
11th Grade	3,028	2,920	96.4%			
Overall Total	24,198	23,949	99.0%			

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During FFY 2010 (2010-2011), 98.9% of Nevada's students with disabilities participated in the Math assessments required under ESEA; 99.0% of Nevada's students with disabilities participated in the ELA/Reading assessments. During FFY 2009, the participation rate for Math was 99.0%, and the participation rate for ELA/Reading was 98.9%, so the state percentage remained consistent. The target established for FFY 2010 was 95% (based on the ESEA participation requirements), so Nevada reached its target for the overall percent of students with disabilities participating in statewide ESEA assessments.

Public Reporting Information: Nevada's public reports of assessment results for students with disabilities are found on the NDE website at: http://www.nevadareportcard.com/.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

C. 2009-2010 Data for Proficiency Rates

Proficiency rates are calculated by dividing the number of IEP students who were enrolled for the full academic year who were proficient or above in each examination (column "b" below), by the total number of IEP students who were enrolled for the full academic year (column "a" below). Proficiency is measured by IEP students' performance in the following assessments:

- Regular assessment with no accommodations
- Regular assessment with accommodations
- Alternate assessment against alternate achievement standards

See below for Table 3-C-1—Math Proficiency and Table 3-C-2—ELA/Reading Proficiency for specific calculations.

Table 3-C-1—Math Proficiency Proficiency Rates for Students with Disabilities in Statewide ESEA Assessments 2010-2011 School Year					
Grades Assessed					
3rd Grade	3,253	1,419	45.8%		
4th Grade	3,239	1,359	42.0%		
5th Grade	3,352	1,247	37.2%		
6th Grade	3,186	959	30.1%		
7th Grade	2,995	920	30.7%		
8th Grade	2,924	605	20.7%		
11th Grade	2,624	830	31.6%		

Table 3-C-2—ELA/Reading Proficiency Proficiency Rates for Students with Disabilities in Statewide ESEA Assessments 2010-2011 School Year1				
Grades Total # Students with IEPs Enrolled for a Full Academic Year (a) # Students with IEPs Enrolled for a Full Academic Year Scoring at or above Proficient (b) Overall Percent [(b ÷ a) x 100)				
3rd Grade	3,253	1,073	33.0%	
4th Grade	3,239	992	30.6%	
5th Grade	3,352	838	25.0%	
6th Grade	3,186	582	18.3%	
7th Grade	2,995	474	15.8%	
8th Grade	2,924	326	11.1%	
11th Grade	2,624	1,818	69.3%	

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

As shown on the table below, Nevada met 8 of its 14 targets for proficiency for IEP students during 2010-2011:

Table 3-C-3							
Analysis o	Analysis of % Proficient During 2010-2011 Against Targets						
Content Area	Grade	Target	% Proficient 2010-2011	Target Met?			
	3rd	42%	45.8%	Υ			
Math	4th	36%	42.0%	Υ			
	5th	34%	37.2%	Υ			
	6th	29%	30.1%	Υ			
	7th	22%	30.7%	Υ			
	8th	24.5%	20.7%	N			
	11th	21.5%	31.6%	Υ			
	3rd	32.5%	33.0%	Υ			
ELA/Reading	4th	31%	30.6%	N			
	5th	27.5%	25.0%	N			
	6th	25%	18.3%	N			
	7th	22%	15.8%	N			
	8th	23.5%	11.1%	N			
	11th	31%	69.3%	Υ			

When compared to the 2009-2010 performance data in ELA/Reading, the percentage of students who were proficient declined at each level except 5th and 11th grades, where there were slight gains. The lower performance in ELA/Reading is largely the result of a re-norming of Nevada's ELA/Reading assessment, which resulted in significant declines in reading scores for all students. These substantial changes to the content and rigor of the 2010-2011 reading assessments created a situation where the NDE has advised on the Nevada Report Card wepage that direct comparisons should not be made between 2011 performance and performance in previous years.

When compared to the 2009-2010 performance data in Math, the percentage of students who were proficient for grades 3, 4, 5, 6, and 7, and slightly declined at grades 8 and 11.

Public Reporting Information: Nevada's public reports of assessment results for students with disabilities are found on the NDE website at: http://www.nevadareportcard.com/.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 4A

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 4A: Rates of suspension and expulsion:

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.

(20 U.S.C. 1416(a)(3)(A); 1412(a)22))

Measurement:

Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

Overview of Issue/Description of System or Process:

Data Source:

Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits electronic data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. The state verifies the reliability and accuracy of the data through automated verification checks through its database. These data are reported annually to OSEP in Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days).

Definition of Significant Discrepancy and Identification of Comparison Methodology:

Nevada has revised its definition of significant discrepancy and its comparison methodology in order to align with the methodology it utilizes in reporting on Indicator 4B. Appropriate revisions have been made to reflect these changes in the state's State Performance Plan (SPP).

Nevada compares district rates for suspension/expulsion of students with disabilities to the statewide bar, defined below, for suspension/expulsion of students with disabilities to evaluate comparability.

A district has a significant discrepancy when its suspension/expulsion rate for children with disabilities is at least five percentage points more than the state's average suspension expulsion rate for all children with disabilities (the "statewide bar").

The statewide bar is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days in a school year by the statewide total number of students with disabilities, and adding five percentage points.

Nevada uses a minimum "n" size requirement to exclude school districts from the calculation if the district has fewer than 25 students with disabilities who were suspended more than 10 school days during the data reporting year.

District rates are calculated by dividing the district's total number of students with disabilities suspended/expelled for more than 10 school days by the total number of students with disabilities in the district.

FFY	Measurable and Rigorous Target
2010 (using 2009- 2010 data)	0% of districts will be identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

Actual Target Data for FFY 2010 (data from 2009-2010):

OSEP has directed the NDE to describe the results of the NDE's examination of suspension and expulsion data for the year before the reporting year to report progress in the FFY 2010 report (i.e., for the FFY 2010 APR, use data from 2009-2010). Consequently, below are 2009-2010 data and analyses for this FFY 2010 report.

There are 17 school districts in Nevada. The statewide bar was calculated by dividing the total statewide number of students with disabilities in those school districts who were suspended/expelled more than 10 school days during 2009-2010 (n=995), by the total number of students with disabilities in those districts during 2009-2010 (n=47,582), and adding five percentage points: ([(995 \pm 47,582) + 5%] = 7.1%).

During 2009-2010, eight of the 17 school districts suspended/expelled students with disabilities for more than 10 school days. Five of these school districts were excluded from further analysis because they suspended/expelled fewer than 25 students with disabilities during 2009-2010. Of the remaining three districts, none of the districts had suspension/expulsion rates that exceed the statewide bar. Consequently, no school districts had a significant discrepancy in the rate for suspension/expulsion.

School Districts with Significant Discrepancy in Rates for Suspension and Expulsion:

Year	Total Number of School Districts	Number of School Districts that had Significant Discrepancies	Percent	
FFY 2010 (2009-2010 data)	17	0	0%	

During 2009-2010, 0% (representing none) of Nevada's 17 school districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year ($[(0 \pm 17) \times 100] = 0\%$).

Review of Policies, Procedures, and Practices:

If a district exceeds the statewide bar for rate of suspensions/expulsions, the NDE conducts a review of district policies, procedures, and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE reviews, and if appropriate requires affected school districts to revise, policies, practices and procedures relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NDE also examines whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

Complaint investigation and due process findings of noncompliance with IDEA Part B requirements for suspension/expulsion are corrected through orders requiring, for example, that a student be returned to the placement the student was in prior to an improper disciplinary removal and/or that compensatory services be provided.

The scope and process for Nevada's review and revision, if appropriate, of policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, is described more fully in the February 2010 APR.

During FFY 2010 (based on 2009-2010 data), there were no school districts with suspensions/expulsions that reached or exceeded the statewide bar, so no review of policies, procedures, or practices was required.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010 (data from 2009-2010):

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities for greater than 10 days in a school year. In the FFY 2010 reporting year, based on data from 2009-2010, no districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year $[(0 \div 17) \times 100 = 0\%]$. Consequently, Nevada reached its target for this indicator. In the FFY 2009 reporting year, based on data from 2008-2009, no districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities for greater than 10 days in a school year, so there is no progress or slippage to report.

Correction of FFY 2009 Findings of Noncompliance:

There were no findings of noncompliance in the FFY 2009 APR related to this indicator, so no correction was required. As of FFY 2010, there are no uncorrected findings of noncompliance from any previous year.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for FFY 2010

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 4B: Rates of suspension and expulsion:

Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

Overview of Issue/Description of System or Process:

Data Source:

Annually, in conjunction with submission of their eligibility documents for Part B funding, each district submits electronic data to the NDE concerning students who are suspended or expelled for more than 10 days in a school year. The state verifies the reliability and accuracy of the data through automated verification checks through its database. These data are reported annually to OSEP in Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days).

Definition of Significant Discrepancy and Identification of Comparison Methodology:

Nevada has revised its definition of significant discrepancy and its comparison methodology in order to utilize an appropriate methodology, and this methodology aligns with the methodology it utilizes in reporting on Indicator 4A. Appropriate revisions have been made to reflect these changes in the state's State Performance Plan (SPP).

Nevada compares district rates for suspension/expulsion of students with disabilities in each race/ethnic category to the statewide bar, defined below, for suspension/expulsion of students with disabilities to evaluate comparability.

A district has a significant discrepancy when its suspension/expulsion rate for children with disabilities, in any race/ethnic category, is at least five percentage points more than the state's average suspension expulsion rate for all children with disabilities (the "statewide bar").

The statewide bar is calculated by dividing the statewide total number of students with disabilities suspended/expelled for more than 10 school days in a school year by the statewide total number of students with disabilities, and adding five percentage points.

Nevada uses a minimum "n" size requirement to exclude school districts from the calculation if the district has fewer than 25 students with disabilities, in any race/ethnic category, who were suspended more than 10 school days during the data reporting year.

District rates are calculated by dividing the district's total number of students with disabilities, by race/ethnic category, suspended/expelled for more than 10 school days by the total number of students with disabilities in the district, by race/ethnic category.

FFY	Measurable and Rigorous Target	
2010 (using 2009- 2010 data)	Measurable and Rigorous Target 0% of districts will be identified by the State as having (a) a significant discrepancy, by race of ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with the requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, an procedural safeguards.	

Actual Target Data for FFY 2010 (data from 2009-2010) (Revised Baseline Data):

OSEP has directed the NDE to describe the results of the NDE's examination of suspension and expulsion data for the year before the reporting year to report progress in the FFY 2010 report (i.e., for the FFY 2010 APR, use data from 2009-2010). Consequently, below are 2009-2010 data and analyses for this FFY 2010 report.

There are 17 school districts in Nevada. The statewide bar was calculated by dividing the total statewide number of students with disabilities in those school districts who were suspended/expelled more than 10 school days during 2009-2010 (n=995), by the total number of students with disabilities in those districts during 2009-2010 (n=47,582), and adding five percentage points: ([(995 \pm 47,582) + 5%] = 7.1%).

During 2009-2010, eight of the 17 school districts suspended/expelled students with disabilities for more than 10 school days. Seven of these school districts were excluded from further analysis because they suspended/expelled fewer than 25 students with disabilities in each race/ethnic category during 2009-2010. In the remaining district, the district suspension/expulsion rate was lower than the statewide bar in each of the three race/ethnic categories where the district suspended/expelled 25 or more students with disabilities. Consequently, no school districts had a significant discrepancy in the rate for suspension/expulsion of students with disabilities, in any race/ethnic category.

4B(a). Districts with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspension and Expulsion:

Year	Total Number of Districts**		Percent**
FFY 2010 (using 2009-2010 data)	17	0	0.00%

During FFY 2010 (based on 2009-2010 data), 0% (representing none) of Nevada's 17 school districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities, by race or ethnicity, for greater than 10 days in a school year ($[(0 \div 17) \times 100] = 0\%$).

Review of Policies, Procedures, and Practices:

If a district exceeds the statewide bar for rate of suspensions/expulsions, by race or ethnicity, the NDE conducts a review of district policies, procedures, and practices to ensure compliance with IDEA Part B requirements concerning suspensions/expulsions. In addition, the NDE reviews, and if appropriate requires affected school districts to revise, policies, practices and procedures relating to development and

implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The NDE also examines whether the district has established strategies to reduce high rates of suspension and expulsions. Policies and procedures that do not comply with IDEA Part B requirements are revised; noncompliant practices are modified through training and technical assistance.

Complaint investigation and due process findings of noncompliance with IDEA Part B requirements for suspension/expulsion are corrected through orders requiring, for example, that a student be returned to the placement the student was in prior to an improper disciplinary removal and/or that compensatory services be provided.

The scope and process for Nevada's review and revision, if appropriate, of policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, is described more fully in the February 2010 APR.

During FFY 2010 (based on 2009-2010 data), there were no school districts with rates of suspensions/expulsions, by race or ethnicity, that reached or exceed the statewide bar, so no review of policies, procedures, or practices was required.

4B(b). Districts with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Year	Total Number of Districts*	Number of Districts that have Significant Discrepancies, by Race or Ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Percent**
FFY 2010 (using 2009-2010 data)	17	0	0.00%

During 2009-2010, 0% (representing none) of Nevada's 17 school districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities, by race or ethnicity, for greater than 10 days in a school year, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards ([$(0 \pm 17) \times 100$] = 0%).

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010 (data from 2009-2010):

Nevada targeted that 0% of districts would be identified by the NDE as having a significant discrepancy in the rates of suspension and expulsions of children with disabilities, by race or ethnicity, for greater than 10 days in a school year. In the FFY 2010 reporting year, based on data from 2009-2010, no districts were identified as having a significant discrepancy in the rate of suspension and expulsion of children with disabilities, by race or ethnicity, for greater than 10 days in a school year $[(0 \div 17) \times 100 = 0\%]$. Consequently, Nevada reached its target for this indicator.

OSEP has instructed Nevada to describe why the state is revising its baseline data rather than providing information on progress or slippage. In Nevada's FFY 2009 APR, submitted in February 2011, Nevada used "multiple bars" for analyzing significant discrepancies in the rates of suspensions and expulsions of children with disabilities, by race or ethnicity. In other words, the state calculated a statewide rate for each race/ethnic category, and compared district rates to those separate race/ethnic categories. OSEP subsequently advised that calculating multiple "bars" for comparison purposes was unacceptable, and that the state must choose among several acceptable methods for making comparisons to statewide rates for suspension/expulsion by race or ethnicity. In this APR, the NDE explains that it has chosen to calculate a single statewide bar for suspension/expulsions rates that includes all students with disabilities in the state's school districts, and then compare the rate in each district, by race/ethnic category, to the inclusive statewide bar. A school district has a significant discrepancy when its suspension/expulsion rate for children with disabilities, by race or ethnicity, reaches or exceeds the single, inclusive statewide bar.

Correction of FFY 2009 Findings of Noncomplance:

There were no findings of noncompliance in the FFY 2009 SPP or APR related to this indicator, so no correction was required. As of FFY 2010, there are no uncorrected findings of noncompliance from any previous year.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 5

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target		
2010	A. 56.0% of students with IEPs will be served inside the regular class 80% or more of the day.		
(2010-2011)	B. 15.2% of students with IEPs will be served inside the regular class less than 40% of the day.		
	C. 1.6% of students with IEPs will be served in separate schools, residential facilities, or homebound/hospital placements.		

Actual Target Data for FFY 2010:

- A. During 2010-2011, 64.2% of students with IEPs were served inside the regular class 80% or more of the day ($[(26,072 \pm 40,594) \times 100] = 64.2\%$).
- B. During 2010-2011, 13.7% of students with IEPs were served inside the regular class less than 40% of the day ($[(5,551 \pm 40,594) \times 100] = 13.7\%$).
- C. During 2010-2011, 1.7% of students with IEPs were served in separate schools, residential facilities or homebound/hospital placements ($[(675 \pm 40,594) \times 100] = 1.7\%$).

NOTE: Data do not include 607 students reported on §618 Table 3 who are served in a state-operated correctional facility or in state-sponsored charter schools that are not and do not operate as Local Education Agencies.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

The target for 2010-2011 was for 56% of students with IEPs to be served inside the regular class 80% or more of the day, and the actual data reflected 64.2% of students served inside the regular class 80% or more of the day. Because a higher percentage than the target achieves the target, Nevada reached its target. During 2009-10, the percentage was 63.4%, so very slight progress was made in increasing the number of students in this category.

Regarding the percent of students with IEPs that were served inside the regular class less than 40% of the day, the target for 2010-2011 was 15.2%, and only 13.7% of students were served inside the regular class less than 40% of the day. Because a lower percentage than the target achieves the target, Nevada reached its target. During 2009-2010, 13.4% of students were served inside the regular class less than 40% of the day, a percentage nearly identical to the percentage in 2010-2011.

Regarding the percent of students with IEPs served in separate schools, residential facilities or homebound/hospital placements, the target for 2010-2011 was 1.6%, and 1.7% of students were served in these placements. Therefore, Nevada did not reach its target. During 2009-2010, 1.9% of students were served in these placements, a rate nearly identical to the rate in 2010-2011. Nevada's low percentage (half the national rate) reflects the fact that although students with disabilities are removed from regular education environments when necessary to implement their IEPs, school districts do maintain a continuum of placements as required by federal and state law.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 6

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education classroom, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Actual Target Data for FFY 2010:

States are not required to report actual data on Indicator 6 for the FFY 2010 APR. In the FFY 2011 submission, due February 1, 2013, the NDE will establish a new baseline, targets and, as needed, improvement activities for this indicator using the 2011-2012 data.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 7

Overview of the State Performance Plan Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1: Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

Actual Data for FFY 2010:

The following tables present the Nevada Early Childhood Outcomes for the 2010-2011 school year on Positive Social Relationships, Knowledge and Skills, and Ability to Meet Needs.

Progress Data for Preschool Children Exiting 2010-2011

Pos	sitive Social Relationships	Number	Percent
Nur	nber of preschool children with IEPs assessed	2,780	
a.	Children who did not improve functioning.	160	5.8%
b.	Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	217	7.8%
C.	Children who improved functioning to a level nearer to same-aged peers but did not reach it.	439	15.8%
d.	Children who improved functioning to reach a level comparable to same-aged peers.	1,129	40.6%
e.	Children who maintained functioning at a level comparable to same-aged peers.	835	30.0%
Tota	al	2,780	100%
Kno	owledge and Skills	Number	Percent
Nun	nber of preschool children with IEPs assessed	2,780	
a.	Children who did not improve functioning.	103	3.7%
b.	Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	225	8.1%
C.	Children who improved functioning to a level nearer to same-aged peers but did not reach it.	762	27.4%
d.	Children who improved functioning to reach a level comparable to same-aged peers.	1,152	41.4%
e.	Children who maintained functioning at a level comparable to same-aged peers.	538	19.4%
Tota	al	2,780	100%
Abi	lity to Meet Needs	Number	Percent
Nun	nber of preschool children with IEPs assessed	2,780	
a.	Children who did not improve functioning.	42	1.5%
b.	Children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers.	197	7.1%
C.	Children who improved functioning to a level nearer to same-aged peers but did not reach it.	256	9.2%
d.	Children who improved functioning to reach a level comparable to same-aged peers.	1,311	47.2%
e.	Children who maintained functioning at a level comparable to same-aged peers.	974	35.0%
Tota	al	2,780	100%

Summary Statements for Preschool Children Exiting 2010-2011

SUMMARY STATEMENTS	Target FFY 2010 (% of children)	Actual Target Data FFY 2010	Target Met?	
Outcome A: Positive social-emotional skills (including social	ıı relationsnip	is)		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [(439 + 1,129) ÷ (160 + 217 + 439 + 1,129) = 80.6%]	74.4%	80.6%	Yes	
2. The percent of children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. [(1,129 + 835) ÷ (160 + 217 + 439 + 1,129 + 835) = 70.7%]	74.7%	70.7%	No	
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)				
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [(762 + 1,152) ÷ (103 + 225 + 762 + 1,152) = 85.4%]	73.1%	85.4%	Yes	
2. The percent of children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. [(1,152 + 538) ÷ (103 + 225 + 762 + 1,152 + 538) = 60.8%]	66.8%	60.8%	No	
Outcome C: Use of appropriate behaviors to meet their needs				
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. [(256 + 1,311) ÷ (42 + 197 + 256 + 1,311) = 86.8%]	76.0%	86.8%	Yes	
2. The percent of children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. [(1,311 + 974) ÷ (42 + 197 + 256 + 1,311 + 974) = 82.2%]	77.8%	82.2%	Yes	

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

When comparing 2010-2011 data to 2009-2010 data, Nevada made progress by improving the percentages in five of six areas; the percentage declined in Summary Statement A-2. Nevada met four of the targets, but did not meet the targets for Summary Statement A-2 or B-2. Progress is likely the result of innovation in curriculum and instruction, as well as the focus on professional development.

Regarding the failure to reach the target for Summary Statement A-2, professional development will continue to focus on helping staff members understand what constitutes "progress made" and "typical development," particularly for behavior skills which are more difficult to assess.

Specifically, technical assistance will be provided to assist staff in observing and measuring behavioral skills.

Although Nevada did not reach its target for Summary Statement B-2, the percentage of students who were functioning within age expectations by the time they turned 6 years of age or exited the program increased from 54.2% in 2009-2010 to 60.8% in 2010-2011. This is a substantial increase, and the NDE anticipates that continued professional development and technical assistance to staff members will lead to increased results in the future.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.	See "Progress Data for Preschool Children Exiting 2010-2011" above on p. 31.
	See "Summary Statements for Preschool Children Exiting 2010-2011" above on p. 32.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 8

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target		
2010 (2010-2011)	76% of parents with a child receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		

Actual Target Data for FFY 2010:

During 2010-2011, 74% of Nevada parents responded in agreement to survey question #25 (see below for significance of this response), down slightly from 76% during 2009-2010 ($[(1,495 \pm 2,013) \times 100] = 74\%$).

Discussion of Survey Results

The NDE has elected to purchase a survey instrument from the National Center for Special Education Accountability Monitoring (NCSEAM) to measure the percent of parents who report that their children's schools facilitated parent involvement as a means of improving services and results for students with disabilities. The NDE used the same survey instrument included in the April 2008 SPP (available at the NDE website). The question used to measure this indicator is survey question #25: "The school explains what options parents have if they disagree with a decision of the school." See the February 2010 SPP for an explanation of how this question was determined to be an appropriate measurement of this indicator (p. 35). Nevada's sampling plan for dissemination of this survey was previously approved and is described in the February 2010 SPP (pp. 33-35).

During 2010-2011, parent surveys were disseminated to parents of all students with disabilities in five districts scheduled for a comprehensive compliance monitoring visit (Elko, Eureka, Humboldt, Lander, and White Pine). In addition, a sample was selected for parent survey in Clark County School District because it has an average daily membership (ADM) of more than 50,000 students. Surveys were successfully sent to 9,230 parents, and a total of 2,099 responses were received for a 22.7% response rate (2,099 ÷ 9,230 = 22.7%). This response rate represents a significant increase from the 16.9% rate in 2008-2009. According to NCSEAM, this number exceeds the minimum number required for an adequate confidence level based established survev sample auidelines on (see, http://www.surveysystem.com/sscalc.htm).

Representativeness of Survey Results

Although response rate is an important indicator of the validity of survey results, the representativeness of survey respondents when compared to the pool of possible respondents from which they were drawn is

also a very important indicator. In order to examine the representativeness of the respondents in the 2010-2011 parent survey, student-level data regarding disability category and race/ethnic category are collected for each survey response. Then, the disability and race/ethnic category data for survey responses are compared to the disability and race/ethnic category data in the October 1, 2010, child count of students ages 3-21 in the surveyed districts.

In the disability category comparison, the response data were comparable to the statewide child count data in all categories. In 2010-2011, 10% of the responding parents were the parents of children with developmental delays (compared to 9.6% in the child count); 3% were the parents of children with emotional disturbance (compared to 4% in the child count); and 2% were the parents of children with multiple impairments (compared to 2.4% in the child count). In the autism category, 8% of the respondents represented parents of children with autism (compared to 7.9% in the child count). Approximately 44% of the responding parents were the parents of children with learning disabilities (compared to 46.4% in the child count). Comparisons between survey respondents and child count data for children with hearing impairments, mental retardation, orthopedic impairments, traumatic brain injury, vision, and speech/language impairments were very close. Significant improvement has been made in the response rate of the parents of students with learning disabilities (there was a 13-point gap in 2008-2009, a 9-point gap in 2009-2010, and now only a 2.4-point gap). In Indicator 14, the National Post-School Outcomes Center has identified that when representatives is outside the +/- 3% range, the lack of representativeness is important. When comparing representativeness within disability categories, Nevada's respondents are well within the NPSO acceptable range.

Analysis of the race/ethnicity representativeness in the responses when compared to the October 1, 2010, child count showed there was very close representativeness in categories for American Indian/Alaskan Native (3% of the respondents; 1.7% in the child count), Asian (3% of the respondents; 3.2% in the child count), Native Hawaiian or Other Pacific Islander (<1% of the respondents; <1% in the child count), Two or More Races (3% of the respondents; 3% in the child count).

Responses in the other three race/ethnic categories is discussed below. Improvement was shown in the representativeness of the responding parents in each race/ethnic category, with significant improvement shown in the Hispanic/Latino and White categories.

- <u>Significant improvement</u> was made in the representativeness of responses for students in the Hispanic/Latino category, with 33% of the survey responses for students in the Hispanic Latino category, compared with 36% in the child count (last year the gap was 28% responding compared to 33% in the child count).
- Slight improvement was found in the responses for students in the Black/African American category, where 9% of the survey responses were for students in the Black/African American category, compared to 16% in the child count (last year the comparison showed 8% responding compared to 16% in the child count).
- <u>Significant improvement</u> was also made in the representativeness of responses for students in the White category. A total of 49% of the responses were for students in the White category, while 40% of students in the child count were White (a 9 point spread). This shows improvement in representativeness compared to last year when 56.5% who responded were in the White category, while 42% in the child count were White (a 14.5 point spread).

The NDE is continuing to work with its partners and with NCSEAM to increase the representativeness of the responses on behalf of children particularly in the Black/African American category.

Following is a table showing statewide and district-level data for respondents to the parent survey during 2010-2011.

Table 8				
Numbers and Percentage of Parents Responding "Agree, Strongly Agree, Very Strongly Agree" with Question 25 on NCSEAM Survey (2010-2011)				
School District	# of Surveys Received	# Surveys Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25	% Responding "Agree, Strongly Agree, Very Strongly Agree" with Question #25	
Statewide	2,013	1,495	74%	
Clark	808	620	77%	
Elko	241	157	65%	
Eureka	7	7	100%	
Humboldt	107	76	71%	
Lander	28	26	93%	
Washoe	772	583	76%	
White Pine	50	26	52%	

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2010-2011, 74% of Nevada parents responded in agreement to survey question #25, down slightly from 76% during 2009-2010. Nevada did not reach its target of 76% for this indicator. Because parents in different school districts are surveyed each year (except for Clark and Washoe, whose parents are surveyed every year), slight progress or slippage from one year to the next is not considered significant.

The response rate increased significantly from 16.9% to 22.7% and remained high enough to ensure an adequate confidence level. Significant improvement was made in the representativeness of responders when compared to child count data for disability categories and race/ethnic categories. Work remains to be done to increase the response rate among parents of students who are Black/African American.

Although NCSEAM uses Question 25 as a "proxy" for measuring the extent to which "parents with a child receiving special education services report that schools facilitated parent involvement as a means of improving services and results for children with disabilities" (the actual "indicator" for this measure), it is also important to note that **90% or more of parents agreed** with the following survey items:

- At the IEP meeting, we discussed accommodations and modifications that my child would need. (92%) (no change from the previous year)
- Teachers and administrators respect my cultural heritage. (93%) (no change)
- My child's evaluation report is written in terms I understand. (91%) (up from 90% in previous year)
- Written information I receive is written in an understandable way. (92%) (up from 90%)

Between **80-89% of parents agreed** with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- Teachers are available to speak with me. (89%) (down from 91% in previous year)
- Teachers and administrators ensure that I have fully understood the Procedural Safeguards. (89%) (down from 91%)
- All of my concerns and recommendations were documented on the IEP. (89%) (up from 88%)
- I am considered an equal partner with teachers and other professionals in planning my child's program. (87%) (down from 88%)
- Teachers treat me as a team member. (87%) (down from 88%)
- The school has a person on staff who is available to answer parents' questions. (86%) (down from 88%)
- Teachers and administrators encourage me to participate in the decision-making process. (86%) (up from 85%)
- Teachers and administrators show sensitivity to the needs of students with disabilities. (85%) (up from 84%)
- Teachers and administrators seek out parent input. (80%) (no change)
- The school offers parents a variety of ways to communicate with teachers. (81%) (up from 79%)

Between **70-79% of parents agreed** with the following survey items, many of which directly reflect the extent to which schools actually do facilitate parent involvement:

- Written justification was given for the extent that my child would not receive services in the regular classroom. (79%) (down from 81%)
- The school gives the parents the help they may need to plan an active role in their child's education. (78%) (no change)
- The school explains what options parents have if they disagree with a decision of the school. (74%) (down from 76%) (This is the question NCSEAM established as the "proxy" for measuring parent involvement.)
- The school communicates regularly with me regarding my child's progress on IEP goals. (76%) (down from 77%)
- At the IEP meeting, we discussed how my child would participate in statewide assessments.
 (77%) (up from 75%)
- The school gives me choices with regard to services that address my child's needs. (75%) (no change)
- I have been asked for my opinion about how well special education services are meeting my child's needs. (74%) (up from 73%)

Fewer than 70% of parents agreed with the following survey items:

- The school provides information on agencies that can assist my child in the transition from school. (61%) (up from 59%) **
- I was given information about organizations that offer support for parents of students with disabilities. (54%) (no change)
- The school offers parents training about special education issues. (55%) (up from 54%)
- I was offered special assistance (such as child care) so that I could participate in the IEP meeting. (49%) (no change)

^{**} Given that only 25% of the responses were related to students in 9-12th grade, this percentage is quite positive.

In 17 out of the 25 questions, the percentage of parents who agreed with the statement increased or remained unchanged from the 2009-2010 school year. In 8 out of the 25 questions, the percentage of parents who agreed with the statement decreased from the 2009-2010 school year. It is interesting to note that three of these items appear to correlate directly with the decreased fiscal resources available to school districts in this economy, which has inevitably resulted in staffing limitations. For example, "agreement" was down in response to the statements: (1) teachers are available to speak with me; (2) the school has a person on staff who is available to answer parents' questions; and (3) the school communicates regularly with me regarding my child's progress in IEP goals.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 9

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2009, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2009 reporting period, i.e., after June 30, 2010. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target	
2010 0% of school districts will have disproportionate representation of racial and ethnic special education and related services that is the result of inappropriate identification		

Actual Target Data for FFY 2010:

During FFY 2010, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The measurement is calculated as ($[(0 \div 17) \times 100] = 0\%$).

Criteria for Defining "Disproportionate Representation":

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for the five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation will be identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population within the district. Disproportionate under-representation will be identified when the weighted risk ratio is 0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population within the district. This analysis results in the identification of districts with disproportionate over- or under-representation possibly resulting from inappropriate identification.

During 2010-2011, two school districts were excluded from the calculation as a result of the state's minimum "n" size requirement.

Determining "Inappropriate Identification":

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2010:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students in any of five race/ethnic groups during FFY 2010 by analyzing child count data for 10/1/2008, 10/1/2009, and 10/1/2010 using the WESTAT disproportionality analysis tool, which compares district child count data to district enrollment data. Because the 10/1/2010 child count and district enrollment data were reported in seven race/ethnic categories, and the previous two years were reported in five race/ethnic categories, a bridge was used to distribute students in seven race/ethnic categories into five race/ethnic categories. The bridge combined the 2010 Asian and Native Hawaiian or Other Pacific Islander categories into one category (Asian/Pacific Islander) to compare to 2009 and 2008 data. The bridge distributed students in the Two or More Races category into the race/ethnic category represented by a majority of students in the district enrollment. If the majority of students were in the Hispanic category, students were distributed into the next most prevalent race/ethnic category, since the category for Two or More Races by definition does not include persons of Hispanic/Latino ethnicity. The NDE anticipates using this bridge methodology for one more year, after which three consecutive years of data will be available using the seven race/ethnic categories.

Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup. No district had a three-year trend demonstrating disproportionate over- or under-representation of students as students with disabilities for any race/ethnic subgroup. Thus, there was no disproportionate representation in any district, in any race/ethnic subgroup, in the FFY 2010 "annual" determination of disproportionate representation of race/ethnic groups in special education.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

Because there was no disproportionate representation in FFY 2010, there was no requirement to analyze whether the disproportionate representation was the result of inappropriate identification. The state met its target of 0%. In FFY 2009, there was also no disproportionate representation. Consequently, there is no progress or slippage to report.

Correction of Remaining Identified Noncompliance:

As of FFY 2010, Nevada had no remaining noncompliance from previous years that was not corrected.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 10

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement: Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2010, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2010, i.e., after June 30, 2011. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target	
2010 (2010-2011)	0% of school districts will have disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	

Actual Target Data for FFY 2010:

During FFY 2010, 0% of Nevada's 17 school districts had disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The measurement is calculated as ($[(0 \pm 17) \times 100] = 0\%$).

Criteria for Defining "Disproportionate Representation":

A weighted risk ratio analysis is used to identify disproportionate <u>over- and under-</u>representation within each race/ethnicity category, for the following disability categories:

- Mental retardation
- Specific learning disabilities
- · Emotional disturbance
- Speech or language impairments
- Other health impairments
- Autism

A weighted risk ratio analysis is used to identify disproportionate over- and under-representation of racial and ethnic groups in special education for five race/ethnic groups (Black/Non-Hispanic, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native, and White). Disproportionate over-representation is identified when the weighted risk ratio is 3.0 or greater for three consecutive years for any racial/ethnic group in which there are at least 25 students in the special education population or in a particular disability category within the district. Disproportionate under-representation will be identified when the weighted risk ratio is 0.3 or less for three consecutive years for any racial/ethnic group in which there are at least twenty-five students in the special education population or in a particular disability category within the district. This analysis results in the identification of districts with possible disproportionate over- or under-representation resulting from inappropriate identification.

Exclusion of Districts During FFY 2010

During 2010-2011, the following numbers of school districts were excluded from the calculation as a result of the state's minimum "n" size requirement:

- Autism: 8 school districts were excluded (all with cell sizes containing 6 or fewer students)
- Mental Retardation: 7 school districts were excluded (all with cell sizes containing 13 or fewer students)
- Speech or Language Impairments: 5 school districts were excluded (all with cell sizes containing 13 or fewer students)
- Specific Learning Disabilities: 4 school districts were excluded (3 with cell sizes containing 10 or fewer students)
- Other Health Impairments: 6 school districts were excluded (5 with cell sizes containing 11 or fewer students)
- Emotional Disturbance: 9 school districts were excluded (8 with cell sizes containing 10 or fewer students)

The total "unduplicated" number of districts who were excluded from the calculation was 14.

Exclusion of Districts During FFY 2009

As directed by OSEP in Nevada's June 2011 Response table, the state must report the total unduplicated number of districts that did not meet the minimum "n" size requirement and were excluded from the calculation in FFY 2009. The total "unduplicated" number of districts who were excluded from the calculation during FFY 2009 was 12.

Determining "Inappropriate Identification":

If disproportionate representation is identified in a district, the district's policies, procedures, and practices will be evaluated to determine whether the disproportionate representation is the result of inappropriate identification of students as students with disabilities, as indicated by noncompliant policies, procedures, and/or practices. The scope and details of the review of policies, procedures, and practices is described in the February 2010 SPP. If the review of policies, procedures and practices reveals noncompliance with federal and/or state requirements for identification and evaluation, appropriate corrective actions will be taken.

Determination of Disproportionate Representation for FFY 2010:

Nevada calculated its determination of whether disproportionate over- or under-representation existed for students with particular disabilities in any of five race/ethnic groups during FFY 2010. To accomplish this task, child count data were analyzed for 10/1/2008, 10/1/2009, 10/1/2010 using the WESTAT disproportionality analysis tool, which compares district child count data in six different disability categories (autism, mental retardation, learning disabilities, emotional disturbance, speech and language impairments, and other health impairments) to district enrollment data. Because the 10/1/2010 child count and district enrollment data were reported in seven race/ethnic categories, and the previous two years were reported in five race/ethnic categories, a bridge was used to distribute students in seven race/ethnic categories into five race/ethnic categories. The bridge combined the 2010 Asian and Native Hawaiian or Other Pacific Islander categories into one category (Asian/Pacific Islander) to compare to 2009 and 2008 data. The bridge distributed students in the Two or More Races category into the race/ethnic category represented by a majority of students in the district enrollment. If the majority of

students were in the Hispanic category, students were distributed into the next most prevalent race/ethnic category, since the category for Two or More Races by definition does not include persons of Hispanic/Latino ethnicity. The NDE anticipates using this bridge methodology for one more year, after which three consecutive years of data will be available using the seven race/ethnic categories.

Data were analyzed across these three years to determine if a three-year trend existed for any district, for any race/ethnic subgroup, in any of the six disability categories. This analysis revealed the following:

- Clark County School District had <u>under-representation</u> of Asian students in the other health impairment category.
- Washoe County School District had <u>under-representation</u> of Hispanic students in the emotional disturbance category.

The existence of disproportionate representation does not violate Part B. Analysis under this indicator requires that the NDE must determine whether any disproportionate representation is the result of inappropriate identification policies, procedures, or practices. See analysis below.

Disproportionate Representation as the Result of Inappropriate Identification:

<u>Clark County School District.</u> This discussion addresses the data for FFY 2009 revealing disproportionate representation associated with the <u>under-representation</u> of Asian students in the other health impairment category for the purpose of determining whether this disproportionate under-representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2008, the NDE conducted a comprehensive on-site monitoring of all <u>policies and procedures</u> in Clark County School District, and the district's policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing).

The NDE also reviewed Clark County's <u>practices</u> for referral, evaluation, and eligibility decision-making. Data gathered through the comprehensive on-site monitoring in FFY 2008 and data gathered the following year in FFY 2009 to document correction of noncompliance within one year revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance or a health impairment, in the evaluation of students suspected of having an emotional disturbance or a health impairment, or in eligibility determinations. There have been no allegations and no findings of noncompliance concerning inappropriate identification of students with emotional disturbance or health impairments in due process hearings or complaint investigations in the Clark County School District during FFY 2005, FFY 2006, FFY 2007, FFY 2008, FFY 2009, or FFY 2010. The Clark County School District continues in its efforts reported in the February 2009 APR to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 38).

Based on the NDE's review of policies and procedures, the comprehensive monitoring data gathered by the NDE during FFY 2008, the data submitted by the district during the following year in FFY 2009 to document correction of noncompliance within one year, and the analysis of due process hearings and complaint investigations, together with the comprehensive and ongoing evaluation of disproportionality occurring within Clark County School District, the NDE has determined that the under-representation occurring in FFY 2010 was not the result of inappropriate identification policies, procedures, or practices.

<u>Washoe County School District.</u> This discussion addresses the data for FFY 2008 revealing disproportionate representation associated with the <u>under-representation</u> of Hispanic students with emotional disturbance for the purpose of determining whether this disproportionate representation is the result of inappropriate identification policies, procedures, or practices.

During FFY 2009, the NDE conducted a comprehensive monitoring of all policies and procedures in Washoe County School District, and those policies and procedures were found to comply with the requirements in Part B for the identification and evaluation of students suspected of having a disability. Importantly, these policies and procedures describe a referral process that is race/ethnic neutral and based upon actual academic and behavioral performance data. In addition, the policies and procedures describe an evaluation process that emphasizes tests/evaluation instruments and assessment measures that triangulate data from many sources and perspectives, so that there is no over-reliance on any particular form of assessment (e.g., standardized testing). In addition, Washoe County School District is making progress toward full implementation of a Response to Intervention (RtI) system for general education interventions, and the procedures for the RtI system supports bias-free referral and identification practices for all disability categories.

The NDE also reviewed Washoe County's <u>practices</u> for referral, evaluation, and eligibility decision-making. Data gathered through on-site monitoring of student records in FFY 2009 revealed no information to suggest that inappropriate identification practices associated with race-based decision-making were occurring in the referral of students suspected of having an emotional disturbance, in the evaluation of students suspected of having an emotional disturbance, or in eligibility determinations. There have been no allegations and no findings concerning inappropriate identification of students with emotional disturbance in due process hearings or complaint investigations in the Washoe County School District during FFY 2005, FFY 2006, FFY 2007, FFY 2008, FFY 2009, or FFY 2010. The Washoe County School District continues in its efforts reported in the February 2009 to collect and analyze data, and to conduct specific training designed to improve its intervention and evaluation systems (see February 2009 APR, p. 39).

Based on the NDE's review of policies and procedures, the monitoring data gathered by the NDE during FFY 2009, and the analysis of due process hearings and complaint investigations, the NDE has determined that the under-representation occurring in Washoe County in FFY 2010 was not the result of inappropriate identification policies, procedures, or practices.

Statewide General Education Intervention Initiative. During FFY 2005, FFY 2006, FFY 2007, FFY 2008, FFY 2009, and continuing into FFY 2010 and beyond, the NDE has invested considerable resources in the implementation of the Instructional Consultation model for improving the performance of students through increasing the quality of instruction they receive—from both general education and special education teachers. This model, developed at the University of Maryland, has a considerable scientific research base, and it has shown results in increasing not only academic and behavior performance in students, but also in reducing disproportionate identification within race/ethnic groups. Nevada's school districts have been invited to participate in the implementation of this model on a volunteer basis, and the details about their participation are provided in the "Academic and Behavioral Supports" Improvement Activity.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

Based on its review of policies, procedures, and practices, the NDE has determined that the under-representation of students with disabilities in the emotional disturbance and other health impairment categories was not due to inappropriate identification in FFY 2010. The state has reached its target for this indicator for FFY 2010. Because the state also met its target in FFY 2009, there is no progress or slippage to report.

Correction of Remaining Noncompliance:

As of FFY 2010, Nevada had no remaining noncompliance identified in previous years that was not corrected.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In its FFY 2010 APR, due February 1, 2012, the State must report the total unduplicated number of districts that did not meet the State-established minimum "n" size requirement and were excluded from the calculation in FFY 2009 and FFY 2010.	See "Exclusion of Districts During FFY 2010" and "Exclusion of Districts During FFY 2009" above on p. 43.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 11

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target	
2010 (2010-2011)	100% of children with parental consent to evaluate will be evaluated within Nevada's 45-school-day timeline.	

Actual Target Data for FFY 2010:

During 2010-2011, 100% percent of children with parental consent to evaluate were evaluated within 45 school days ([(41 \pm 41) x 100] = 100%). In Nevada, the completion of the initial evaluation occurs when the eligibility team, including the parent, has made an eligibility decision; under state regulations this decision must occur within 45 school days after the parent provides written consent for the initial evaluation.

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

See below for specific data and calculation according to the OSEP measurement instructions.

Children Evaluated Within 60 Days (or State-established timeline):

a. Number of children for whom parental consent to evaluate was received	32
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	32
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	100%

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2010-2011, 100% percent of children with parental consent to evaluate were evaluated within 45 school days. Nevada reached its target for this indicator, and its compliance percentage was unchanged when compared to the 100% compliance rate reported in 2009-2010. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

Correction of Noncompliance Identified During FFY 2009:

In this FFY 2010 APR, the NDE must report on correction of noncompliance identified during FFY 2009 (2009-2010). However, during FFY 2009, the NDE reported a 100% level of compliance for this indicator, so there was no noncompliance for which correction must be reported.

Correction of Remaining Noncompliance:

As of FFY 2010, Nevada has no remaining noncompliance identified in previous years that was not corrected.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 12

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e)] times 100.

FFY	Measurable and Rigorous Target	
2009 (2009-2010)	100% of children referred by Part C prior to age 3, who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.	

Actual Target Data for FFY 2010:

During 2010-2011, 98% percent of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays ($[45 \div (48 - 1 - 1)] \times 100 = 98\%$).

Selection of School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	48
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	0
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	45
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	1
e. # of children who were referred to Part C less than 90 days before their third birthdays.	1
# in a but not in b, c, d, or e.	1
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays	98%
Percent = [(c) / (a-b-d-e)] * 100	

There was one child who was included in (a) but not in (b), (c), (d), or (e). In this instance, the district received timely notification from the Part C agency but did not contact parents in time to arrange the transition by age three. The student's IEP was developed two days after the child turned three.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2010-2011, 98% of children referred by Part C prior to age 3, who were found eligible for Part B, had an IEP developed and implemented by their third birthdays. Nevada did not reach its target for this indicator and demonstrated very slight slippage from the previous year when the compliance calculation was 99.2%. Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts. Very high levels of compliance for this indicator during the last three years may be attributed to increased focus and training regarding this indicator throughout the state.

Correction of Noncompliance Identified During FFY 2009:

In this FFY 2010 APR, the NDE must report on correction of noncompliance identified during FFY 2009 (2009-2010), and that report is provided below. During FFY 2009, the NDE reported a 99.2% level of compliance for this indicator.

During 2009-2010, four districts (Churchill, Esmeralda, Lincoln, and Washoe) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. A noncompliance finding was issued for Washoe County School District for failure to have an IEP developed/implemented by the third birthday for two children transitioning from Part C programs. The delay for both students was the result of parents canceling and rescheduling the IEP meetings for a date after the child's third birthday.

The identified noncompliance was corrected within one year, described below:

Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2009 APR):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 99.2%

1.	Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	1
2.	Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	1
3.	Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4.	Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5.	Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6.	Number of FFY 2009 findings not verified as corrected [(4) minus (5)]	0

Verification of Correction of Noncompliance Identified During FFY 2009:

Following is a description of the specific actions that the NDE took to verify the correction of findings of noncompliance identified in FFY 2009:

Verification that each District is Correctly Implementing Regulatory Requirements
To verify correction at the system level, Washoe County School District provided the NDE with a data report for two months from October through November, 2010, documenting 100% compliance with the Part B requirements for development and implementation of IEPs by the third birthday for children transitioning from Part C.

Verification that each District has Developed/Implemented the IEPs, Although Late
For the two students in Washoe County School District whose IEPs had not been developed/implemented by their third birthdays, those IEPs had been developed and implemented by the time the records were reviewed during on-site monitoring.

Consequently, within the 2009-2010 school year, the noncompliance for these two students was already corrected and they were receiving services in accordance with their IEPs.

Correction of Remaining Noncompliance:

As of FFY 2010, Nevada has no remaining noncompliance identified in previous years that was not corrected.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must report on the status of correction of noncompliance reflected in the FFY 2009 data that the State reported for this indicator.	See "Correction of Noncompliance Identified During FFY 2009" above on p. 51.
When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.	See "Verification of Correction of Noncompliance Identified During FFY 2009" above on pp. 51-52.
If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.	Because the noncompliance finding in 2010-2011 was based on one student whose IEP was not developed/implemented by the child's third birthday, no systemic issues appeared to require revision of the state's improvement activities.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Because the noncompliance finding in 2010-2011 was based on one student whose IEP was not developed/implemented by the child's third birthday, no systemic issues appeared to require revision of the state's improvement activities. .

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 13

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target	
2009 (2009-2010)	100% of youth with IEPs aged 16 and above will have an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There will also be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	

Actual Target Data for FFY 2010:

During 2010-2011, 100% of youth with IEPs aged 16 and above had an IEP that included appropriate measurable postsecondary goals that were annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There was also evidence that each student was invited to the IEP Team meeting where transition services were to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority ([$(16 \pm 16) \times 100$] = $(16 \pm 16) \times 100$].

During 2010-2011, the NDE conducted comprehensive on-site monitoring in five school districts (Elko, Eureka, Humboldt, Lander, and White Pine). A total of 16 records were reviewed for students who were aged 16 or older to ensure that all required secondary transition components were in place. In all of these records, the records included evidence of all required secondary transition components. See calculation presented below:

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2010 (2010- 2011)	16	16	100%

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2020-2011, 100% of children with parental consent to evaluate were evaluated within 45 school days. Nevada reached its target for this indicator. During 2009-2010, the compliance rate was 92.3%, so there is progress to explain. Nevada has invested in training and technical assistance to districts to ensure that transition components are well understood and appropriately implemented. Specific training has occurred at the teacher level in each school district to explain exactly what processes must be engaged and what documentation is required comply with the secondary transition provisions in the IDEA. In addition, the NDE in recent years has required extensive correction of noncompliance in this area. Consequently, the NDE is finding that local school districts now maintain a higher level of compliance with required transition components than in previous years.

Note, however, that because the calculation for this indicator is based on the on-site monitoring findings in a different set of school districts in each year of a four-year cycle, the comparison to the compliance percentage in the previous year is not a comparison to the same districts.

Correction of FFY 2009 Findings of Noncompliance:

In this FFY 2010 APR, the NDE must report on correction of noncompliance identified during FFY 2009 (2009-2010), and that report is provided below. During FFY 2009, the NDE reported a 92.9% level of compliance for this indicator.

During 2009-2010, four districts (Churchill, Esmeralda, Lincoln, and Washoe) were scheduled for a comprehensive record review as part of Nevada's four-year monitoring cycle. A noncompliance finding was issued for Lincoln County School District for failure to have all required secondary transition components in one student's IEP. The identified noncompliance was corrected within one year, as set forth in the following table:

Correction of FFY 2009 Findings of Noncompliance:

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 92.9%

Number of findings of noncomp (the period from July 1, 2009 the	liance the State made during FFY 2009 rough June 30, 2010)	
Number of FFY 2009 findings the (corrected within one year from finding)	ne State verified as timely corrected the date of notification to the LEA of the	l
3. Number of FFY 2009 findings n [(1) minus (2)]	ot verified as corrected within one year	

Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4.	Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5.	Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6.	Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Verification of Correction of Noncompliance Identified During FFY 2009:

Following is a description of the specific actions that the NDE took to verify the correction of findings of noncompliance identified in FFY 2009:

Verification that each District is Correctly Implementing Regulatory Requirements

To verify correction at the evertor level, Lincoln County School District provided the

To verify correction at the system level, Lincoln County School District provided the NDE with three additional IEPs for students developed during 2010-2011 documenting 100% compliance with all secondary transition components.

Verification that each District has Developed an IEP that includes the Required Transition Content for Each Youth

For the one student whose IEP did not include all required secondary transition components, the IEP was revised and corrected, and a copy was submitted to the NDE in February 2011. The NDE verified correction of noncompliance, and thus the noncompliance identified during 2009-2010 was verified by the NDE as completely corrected within one year of identification.

Correction of Remaining Noncompliance:

As of FFY 2010, Nevada has no remaining noncompliance identified in previous years that was not corrected.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	See "Correction of Noncompliance Identified During FFY 2009" above on pp. 54-55.
When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system and (2) has corrected each individual case of noncompliance unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.	See "Verification of Correction of Noncompliance Identified During FFY 2009" above on pp. 55.
If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement	Because Nevada reported 100% compliance in the FFY 2010 APR, the State was not required to review its
activities and revise them, if necessary.	improvement activities and revise them, if necessary.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Because the state reported 100% compliance in the FFY 2010 APR, the state was not required to review its improvement activities and revise them, if necessary, as directed in the June 2011 Response Table.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 14

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

FFY	Measurable and Rigorous Target			
2010	A. 25% of youth (who were no longer in secondary school and had IEPs in effect at the time they left school) were enrolled in higher education within one year of leaving high school.			
(2010-2011)	B. 54% of youth (who were no longer in secondary school and had IEPs in effect at the time they left school) were enrolled in higher education or competitively employed within one year of leaving high school.			
	C. 70% of youth (who were no longer in secondary school and had IEPs in effect at the time they left school) were enrolled in higher education, or in some other postsecondary education or training program, or competitively employed or in some other employment within one year of leaving high school.			

Actual Target Data for FFY 2010:

During 2010-2011, the NDE collected data from students with disabilities who had exited from secondary school one year earlier. Following is the actual data collected.

Actual Numbers Used in Calculation in Table 14:

- 1. Number of "leavers" who were enrolled in higher education within one year of leaving high school = 228.
- 2. Number of "leavers" who were competitively employed within one year of leaving high school (but not enrolled in higher education) = 270.
- 3. Number of "leavers" who were enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed) = 115.
- 4. Number of "leavers" who were in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed) = 96.

Table 14

PERCENT OF YOUTH WHO ARE NO LONGER IN SECONDARY SCHOOL, HAD IEPS IN EFFECT AT THE TIME THEY LEFT SCHOOL, AND WERE (A) ENROLLED IN HIGHER EDUCATION WITHIN ONE YEAR AFTER LEAVING HIGH SCHOOL; (B) ENROLLED IN HIGHER EDUCATION OR COMPETITIVELY EMPLOYED WITHIN ONE YEAR OF LEAVING HIGH SCHOOL; AND (C) ENROLLED IN HIGHER EDUCATION OR IN SOME OTHER POSTSECONDARY EDUCATION OR TRAINING PROGRAM; OR COMPETITIVELY EMPLOYED OR IN SOME OTHER EMPLOYMENT WITHIN ONE YEAR OF LEAVING HIGH SCHOOL.

2010-2011 School Year

	RESPONDING	(A)		(B)		(C)	
	YOUTH WHO	ENROLLED IN		ENROLLED IN		ENROLLED IN HIGHER	
	HAD IEPS	HIGHER		HIGHER		EDUCATION OR IN SOME OTHER	
	WHO ARE NO	EDUCATION		EDUCATION OR		POSTSECONDARY EDUCATION	
	LONGER IN	WITHIN ONE		COMPETITIVELY		OR TRAINING PROGRAM; OR	
	SECONDARY	YEAR AFTER		EMPLOYED		COMPETITIVELY EMPLOYED OR	
	SCHOOL	LEAVING HIGH		WITHIN C	NE YEAR	IN SOME OTHER	R EMPLOYMENT
		SCHOOL		OF LEAV	ING HIGH	WITHIN ONE YE	AR OF LEAVING
				SCH	OOL	HIGH S	CHOOL
	#	#	%	#	%	#	%
Statewide	1,140	228	20%	498	44%	709	62%

Nevada's targets were 25% for column A, 54% for column B, and 70% for column C. Nevada did not reach its targets for any of these post-school outcomes.

Discussion of Response Rates and Representativeness of Responses:

During 2010-2011, surveys of students with disabilities who exited secondary school during 2009-2010 were provided to 3,202 students. Data were collected from 1,140 respondents, for a response rate of 35.6% (1,140 \div 3,202 = 35.6%). This response rate represents a 14% improvement compared to the response rate of 31.3% in 2009-2010 ([(35.6% - 31.3%) \div 31.3%] = 14%).

Respondents were compared to the original survey population to determine the representativeness of the responding students when compared to the surveyed students, using the Response Calculator developed by the National Post-School Outcomes (NPSO) Center. Representativeness was compared by disability category for students with learning disabilities, students with emotional disturbance, and students with mental retardation, with the following results:

- 61% of the students surveyed had learning disabilities; 61% of the respondents had learning disabilities
- 6% of the students surveyed had emotional disturbance; 5% of the respondents had emotional disturbance
- 10% of the students surveyed had mental retardation; 9% of the respondents had mental retardation

In 2010-2011, differences between the survey group and the respondent group for each disability category were less than the +/- 3% range identified by NPSO as important.

Students were also compared for representativeness according to race/ethnic category. 56% of the students surveyed were minority students (non-White); 51% of the respondents were minority students (a difference of 5%, compared to a difference of 6% in 2009-2010, and compared to a difference of 9% in 2008-2009). In the two years between 2008-2009 and 2010-2011, the representativeness of minority students improved by 44% [$(9\% - 5\%) \div 9\%$] = 44%, so the state has made considerable progress in improving the representativeness of minority students in the population of students who respond to the survey.

In 2010-2011, 35.6% of the survey group were female, compared to 34.4% in the respondent group (a difference of 1.2%); correspondingly, 64.4% of the survey group were male, compared to 65.6% in the respondent group (also a difference of 1.2%). In 2010-2011, 11% of the survey group had Limited English Proficiency, compared to 10% in the respondent group (a difference of 1%, compared to a difference of 2% in 2009-2010). During 2010-2011, 7.2% of the survey group had dropped out of school, compared to 5.6% in the respondent group (a difference of 1.6%, compared to a difference of 6% in 2009-2010). Each of these differences was within the +/- 3% acceptable range identified by NPSO.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

Nevada's targets were 25% for column A, 54% for column B, and 70% for column C. Nevada did not reach its targets for any of these post-school outcomes. In addition, the percentages in the actual data declined in all categories when compared to the 2009-2010 data. Nevada remains the state in the nation with the highest rate of unemployment and the highest home foreclosure rates. City, county, and state budgets providing support for economic development have been severely cut, with no sign of substantial improvement on the horizon. Students, and certainly students with disabilities, are negatively impacted by the extraordinary economic decline in Nevada during the last three years. The fact that students with disabilities face challenges in finding work is no surprise, and without at least part time work, many cannot afford postsecondary education or training.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
The State must report actual target data for FFY 2010	See "Actual Target Data for FFY 2010" above on pp.
with the FFY 2010 APR, due February 1, 2012.	57-58.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

See APR Attachment 3 for a summary of revisions, with justifications, that appears in each Improvement Activity referenced above.

Because the state reported 100% compliance in the FFY 2010 APR, the state was not required to review its improvement activities and revise them, if necessary, as directed in the June 2011 Response Table.

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 15

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification. Percent = [(b) divided by (a)] times 100.

States are required to use the "Indicator 15 Worksheet" to report data for this indicator.

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100% of identified noncompliance will be corrected as soon as possible but in no case later than one year from identification.

Actual Target Data for FFY 2010:

During FFY 2010, 100% of noncompliance identified during FFY 2009 was corrected as soon as possible and no later than one year from identification $[(115 \pm 115) \times 100] = 100\%$. See Table 15 below, based on the Indicator 15 Worksheet. Also see Attachment 1 for the self-calculating Indicator 15 excel Worksheet.

Table 15 SUMMARY OF NONCOMPLIANCE FINDINGS (2009-2010) AND CORRECTIONS OF THOSE FINDINGS WITHIN ONE YEAR (2010-2011)

Indi	icator	General Supervision System Components	# LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1 2. 14.	Percent of youth with IEPs graduating from high school with a regular diploma. Percent of youth with IEPs dropping out of high school. Percent of youth who had	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	4	4
	IEPs, are no longer in secondary school and who have been competitively enrolled, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings	0	0	NA
3, 7.	 Participation and performance of children with disabilities on assessments. 	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	37	37
		Dispute Resolution: Complaints, Hearings	3	5	5
4A.	Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
	than 10 days in a school year.	Dispute Resolution: Complaints, Hearings	0	0	NA
5. 6.	Percent of children with IEPs aged 6 through 21— educational placements. Percent of preschool	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or	4	18	18
	children aged 3 through 5— early childhood placement.	Other Dispute Resolution:	0	0	NA
8.	Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of	Complaints, Hearings Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	9	9
	improving services and results for children with disabilities.	Dispute Resolution: Complaints, Hearings	3	4	4

(table continued on next page)

9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	28	28
identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	1	2	2
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	NA
evaluation must be conducted, within that timeframe (45 school days in Nevada).	Dispute Resolution: Complaints, Hearings	0	0	NA
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1
birthdays.	Dispute Resolution: Complaints, Hearings	0	0	NA
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	6	6
reasonably enable student to meet the post-secondary goals.	Dispute Resolution: Complaints, Hearings	0	0	NA
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	NA
	Dispute Resolution: Complaints, Hearings	0	0	NA
Sum the numbers down Column a and Column b			115	115
Percent of noncompli identification = (column (b	ance corrected within o) sum divided by colum	(b) / (a) X 100 =	100%	

Process for Selecting School Districts for Monitoring:

The NDE has established a four-year monitoring cycle. The schedule has been established to ensure selection of a representative group of districts to be monitored each year. A stratified random sampling is used to ensure a representative group of school districts in each of the four years of Nevada's four-year monitoring cycle. Nevada's 17 school districts, which are contiguous with Nevada's 17 counties, have been assigned status as either "urban" (4 districts), "medium rural" (5 districts), or "small rural" (8 districts) depending on the relative size of the county and the relative urbanicity of the county seat. In each of the four years in the special education monitoring cycle, the districts selected for monitoring will include one "urban" district, one "medium rural" district, and two "small rural" districts. Each year the districts are randomly sampled from within the three subgroups, without replacement, in order to ensure that all 17 districts are monitored at least once during the four-year cycle. Because there are 5 districts in the "medium rural" subgroup, 2 of these districts will be monitored in one of the four years. (Note: This monitoring cycle was approved by OSEP in April 2008 as part of the Indicator 8 sampling description. See pp. 33-35 in the February 2010 SPP.)

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 1: Standards and Assessments (p. 2)
- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2009-2010, 100% of the noncompliance identified during 2008-2009 was corrected as soon as possible and no later than one year from identification. During 2010-2011, 100% of the noncompliance identified during 2009-2010 was corrected as soon as possible and no later than one year from identification, so there is no progress or slippage to report.

Correction is ensured because the actual revised IEP forms, etc., for each student where noncompliance was identified, are returned to the NDE for verification approximately six-seven months after identification. In the event that the NDE cannot conclude that corrections have been made to the state's standards for compliance, additional instructions are provided within weeks to special education administrators and staff members until the corrections meet NDE standards within one year of identification. This process ensures that corrections are completed as soon as possible and no later than one year from identification.

To verify that a district is correctly implementing regulatory requirements, districts are required to submit a sample of complete files containing all required documents to demonstrate that requirements were met for initial evaluations, reevaluations, and IEP development conducted between September and March in the year after the noncompliance was identified. This documentation is carefully reviewed to ensure that it provides evidence that each school district is correctly implementing regulatory requirements as soon as possible and no later than one year from identification of noncompliance.

For noncompliance findings that cannot be corrected at a student-specific level (e.g., missed requirements for notice, consent, evaluations, and timelines) because the clock cannot be "rewound," the NDE engages in three separate inquiries to verify correction of noncompliance as soon as possible but no later than one year from identification. First, records are examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determines if the evaluation was complete at the time of the record review—if not, the district is directed to conduct the evaluation immediately and provide evidence to the

NDE to verify correction. Second, the NDE reviews policies, procedures, and practices. Based upon these reviews, forms and procedures are revised as necessary, and extensive staff training is required to ensure that compliant practices occur in the future. Third, school districts are directed to submit a sample of complete files or other relevant data documenting that requirements for notice, consent, evaluations, timelines, etc., met legal requirements in initial evaluations and reevaluations conducted during the school year after noncompliance was identified.

Correction of FFY 2009 Findings of Noncompliance:

In this FFY 2010 APR, the NDE must report on correction of noncompliance identified during FFY 2009 (2009-2010), and that report is provided below. All identified noncompliance identified during FFY 2009 was corrected within one year, as set forth in the following table:

Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010) (Sum of Column a on the Indicator B15 Worksheet)	115
Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	115
Number of findings not verified as corrected within one year [(1) minus (2)]	0

Verification of Correction of Noncompliance Identified During FFY 2009:

Four school districts were identified with noncompliance based on **monitoring activities** in FFY 2009 (Churchill, Esmeralda, Lincoln, Washoe). One hundred four (104) noncompliance findings were made in June 2010 in conjunction with **monitoring activities** for legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings.

Correction of All Instances of Noncompliance

For each student record monitored during 2009-2010 where there was any instance of IEP noncompliance, detailed instructions for correction of the noncompliance were returned to the school district, and IEPs were accordingly revised and corrected by each student's current teacher. Copies of these corrected IEPs were submitted to the NDE by February 2011, and the NDE verified correction of noncompliance. In any instance where the NDE could not verify correction of noncompliance, the IEP was returned to the appropriate school district for further correction, and by June 2011 all noncompliance identified during 2009-2010 was verified by the NDE as completely corrected no later than one year from identification of noncompliance.

Records were examined during the on-site monitoring visit to determine if correction has already occurred at the student-specific level for timelines that had not been met. For example, even if an evaluation was not conducted within the state-mandated timeline, the NDE determined if the evaluation was complete at the time of the record review—if not, the district was directed to conduct the evaluation immediately and provide evidence to the NDE to verify correction. In the four school districts that were monitored during 2009-2010, there were no instances where evaluations were still not completed, or where IEP services were not being provided at the time of the record review.

Verification that each District is Correctly Implementing Regulatory Requirements

The NDE reviewed each district's policies, procedures, and practices. Based upon these reviews, districts were required to revise forms and/or procedures as necessary, and to provide extensive staff training to ensure that compliant practices occur in the future. In addition, school districts were directed to submit a sample of complete files or other

relevant data documenting that requirements were met for initial evaluations, reevaluations, and IEP development conducted during 2010-2011 (the year after the noncompliance was identified). This documentation was carefully reviewed to ensure that it provided evidence that each school district is correctly implementing regulatory requirements no later than one year from identification of noncompliance.

Regarding the noncompliance for Indicator 12 identified in 2009-2010, Washoe County School District provided the NDE with a data report for two months from October through November, 2010, documenting 100% compliance with the Part B requirements for development and implementation of IEPs by the third birthday for children transitioning from Part C. Regarding noncompliance for Indicator 13 identified in 2009-2010, Lincoln County School District provided the NDE with three additional IEPs for students developed during 2010-2011 documenting 100% compliance with secondary transition components.

During 2009-2010, **complaint investigations** were conducted in three school districts (Clark, Lyon, Washoe), and eleven (11) findings of noncompliance were made in conjunction with **dispute resolution** legal requirements related to the SPP Indicators on Table 15. Within one year, correction had occurred for each of these findings. There were no findings of noncompliance issued in conjunction with **due process** hearing decisions.

Correction of All Instances of Noncompliance

Documentation of child-specific correction was required as verification of corrective actions ordered as a result of noncompliance findings in complaint investigations. Each district submitted required information within established timelines.

<u>Verification that each District is Correctly Implementing Regulatory Requirements</u>

Where necessary, policies and procedures were reviewed and revised. The NDE reviewed all proposed revisions before implementation. Once approved by the NDE, districts were required to train appropriate staff in the specific legal requirements where noncompliance was found and provide documentation that training occurred within established timelines. Each district submitted required information within established timelines.

Correction of Remaining Findings of Noncompliance:

As of FFY 2010, Nevada had no remaining noncompliance identified in previous years that was not corrected.

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on correction of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.	See "Verification of Correction of Noncompliance Identified During FFY 2008" above on pp. 61-62.
In reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 excel Worksheet.	See Table 15 above on pp. 54-55, which conforms to the Indicator 15 excel Worksheet (Attachment 1).

Further, in responding to Indicator s 12 and 13 in the	See "Verification of Correction Identified During FFY
FFY 2010 APR, the State must report on correction of	2009" under Indicator 12 above on p. 51-52.
the noncompliance described in this table under those	
indicators.	See "Verification of Correction Identified During FFY
	2009" under Indicator 13 above on p. 55.
	'

Revisions, $\underline{\text{with Justification}}$, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 16

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c))] divided by 1.1] times 100.

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target
2010 (2010-2011)	100% of signed written complaints with reports issued will be resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution.

Actual Target Data for FFY 2010:

During 2010-2011, 100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution ([$(7 + 0) \div 7] \times 100 = 100\%$). There were seven (7) complaint investigation reports issued during 2010-2011, and each complaint investigation was completed within the 60-day timeline or within a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agreed to extend the time to engage in mediation or other alternative means of dispute resolution.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

100% of signed written complaints with reports issued were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 17

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b))] divided by 3.2] times 100.

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target	
2010 (2010-2011)	100% of adjudicated due process hearing requests will be adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.	

Actual Target Data for FFY 2010:

During 2010-2011, 100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party ($[(0 + 2) \div 2] \times 100 = 100\%$). There were two due process hearings conducted during 2010-2011 that were fully adjudicated as of June 30, 2011. The hearings were conducted and a decision rendered within a timeline that was properly extended by the hearing officer at the request of either party.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

100% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party, so the NDE met the target. Because the Department has maintained this standard of timeliness for several years, there is no progress or slippage to explain. This high standard of compliance is reinforced by an independent contractor hired by the NDE to facilitate the administration of the due process hearing system. This contractor assists the NDE in closely monitoring adherence to all timelines required in the Part B due process hearing system.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010

INDICATOR 18

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target	
2010	85% of resolution sessions held will result in settlement agreements.	
(2010-2011)		

Actual Target Data for FFY 2010:

During 2010-2011, 57% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements ($[(35 \pm 62) \times 100] = 57\%$).

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY 2008:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2010-2011, 57% of resolutions sessions held resulted in resolution session agreements. Consequently, the NDE did not meet the 85% target. The resolution agreement rate of 57% represented an increase over the 38% rate achieved in 2009-2010. Nevada experienced progress in the resolution agreement rate.

As discussed in previous Annual Performance Reports, written resolution settlement agreements are not the only means for settling disputes, and during 2010-2011, of the 69 total hearings requests received, 66 have been resolved without a hearing, and three went to hearing (one after 6/30/11). Consequently, Nevada's actual resolution rate was 96%. This overall resolution rate is significant—it suggests that although resolution sessions per se may not always result in written settlement agreements, there are various other means that are successfully used in Nevada to resolve disputes without due process hearings. If resolution session "success" is declining or increasing in any particular year, it means nothing more than school districts and parents are using other effective means to resolve disputes, and the NDE has no particular interest in valuing one particular dispute resolution mechanism over another.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 19

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i))] divided by 2.1] times 100.

Data collected on Table 7 of Information Collection 1820-0677 (Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act).

FFY	Measurable and Rigorous Target	
2010	80% of mediations held will result in mediation agreements.	
(2010-2011)		

Actual Target Data for FFY 2010:

During 2010-2011, two mediations requests were received but the requests were subsequently withdrawn. Since no mediations were held, the target cannot be measured. As noted in Indicator 18, 96% of the due process hearing requests received in FFY 2010 were resolved without a hearing, using a variety of dispute resolution mechanisms. Whether the mediation system is used or not, parties in Nevada are resolving disputes with hearings, and that is the state's overall goal.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

During 2010-2011, the two mediation requests that were received were withdrawn. There is neither progress nor slippage to report.

Given the variety of dispute resolution avenues available to parties, it is clearly not possible nor appropriate for the NDE to ensure that requested mediations proceed and result in agreements, when the parties are choosing to resolve disputes through other formal or informal processes. However, it is possible for the NDE to ensure that its mediators are knowledgeable and well-trained, and that parties are made aware of the value of settling disputes through mediation. The NDE's mediation system meets these criteria.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:

Part B State Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2010 INDICATOR 20

Overview of the Annual Performance Report Development:

See description in the Introduction.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator.

FFY	Measurable and Rigorous Target	
2010 (2010-2011)	100% of State reported data (618 and State Performance Plan and Annual Performance Report) will be timely and accurate.	

Actual Target Data for FFY 2010:

During 2010-2011, submission of Nevada's annual §618 data was timely although the NDE discipline data were incomplete and did not pass the error check. The revised State Performance Plan (SPP) and the Annual Performance Plan (APR) for FFY 2009 were submitted on time in February 2011; the data were valid, reliable, and included correct calculations. The NDE responds promptly to requests for correction and clarification from DAC regarding the state's data submissions.

See Indicator 20 Data Rubric attached as Attachment 2. Nevada's Indicator Score is 95.45%.

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that Occurred for FFY 2010:

Discussion of Improvement Activities Completed for FFY 2010:

See APR Attachment 3, Improvement Activities/Timelines/Resources, for a detailed listing of activities completed during 2010-2011 for the following activities:

- Strategic Priority 2: Valid and Reliable Data (p. 7)
- Strategic Priority 3: Comprehensive Educator Effectiveness System (p. 15)
- Strategic Priority 4: Innovative Programs and Evidence-Based Practices (p. 21)

Explanation of Progress or Slippage that Occurred for FFY 2010:

95.45% of Nevada's state-reported data were timely and accurate for all required elements in the submissions, so the NDE did not meet the target. These data represent slippage from the 2009-2010 data of 97.62%. The NDE continues to be challenged by the simultaneous expansion of its

own internal data collection systems while at the same time becoming an EDEN-only state for submission of federal data.

The NDE annually collects data from its 17 local school districts. All IDEA §618 data are now collected electronically and software tools are used to compile submissions, search for duplicates, perform error checks, and prepare data for submission to the USDOE through the EDEN system.

The February 2011 SPP describes the steps taken by the NDE to ensure that data are reported in a timely manner, the steps taken to ensure that data are accurate, and the steps taken to ensure that local agencies collect and report data that is consistent with the federal requirements (see February 2011 SPP, pp. 77-78).

Additional Information Required by the OSEP APR Response Table:

Statement from the Response Table	State's Response
In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Rubric.	See Indicator 20 Data Rubric attached as Attachment 2.

Revisions, <u>with Justification</u>, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011: